

### **E.) REMARKS/ARGUMENTS**

This application has been reviewed in light of the Office Action of January 11, 2005. In the outstanding Office Action, Claims 11-19 were pending, and claims 11-19 were subject to a restriction requirement, and the following remarks are submitted. Applicant believes that the Examiner erroneously indicated that claims 1-19 were pending in the Office Action Summary.

#### **Species Restriction**

The Examiner had required restriction to one of the following inventions under 35 U.S.C. § 121:

Claims 11-13, classified in class 156, laminating

Claims 14-16, classified in class 264, extrusion molding

Claim 17-19, classified in class 246, injection molding

Applicant elects to prosecute the "laminating" claims, with traverse. Claims 11-13 are believed to read on this embodiment.

Applicant traverses the restriction for the following reasons.

The explanation of the basis for the restriction is unclear. 35 USC 121 requires that, to support a restriction, the claims must be shown to be "independent and distinct", 35 USC 121, 37 CFR 1.141, MPEP 802. The explanation of the present restriction concludes that the claims are directed to "patentably distinct species of the claimed invention," but then offers no justification for this conclusion.

The species restriction is made under 35 USC 121. However, there is no showing that the restricted species are "independent and distinct", as required by 35

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USC 121, or that other species restriction requirements as set forth in the various parts of MPEP 806.04 are met. There is no basis stated for the species restriction. Without the basis stated and a showing that the restricted claims are "independent and distinct", Applicant cannot fully respond. Applicant asks that the Examiner explain the basis of the restriction and provide the showing that the claims meet all of the requirements for a proper species restriction.

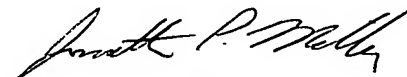
Applicant submits that the application is now in condition for allowance, and requests such allowance.

If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant.

The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Dated: February 10, 2005

Respectfully submitted,  
MCNEES WALLACE & NURICK LLC



Jonathan P. Miller  
Reg. No. 48,483  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
Attorney for Applicant

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**D.) AMENDMENTS TO THE DRAWINGS**

None.

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Filed: April 13, 2004

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